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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,057	11/21/2001	Yoshinari Takabatake	122.1475	1035
21171	7590	02/25/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/989,057

Applicant(s)

TAKABATAKE ET AL.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7-12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Onishi et al. (5,904,085), hereinafter Onishi. Regarding claims 1 and 12, Onishi teaches a roll paper cutter for cutting roll paper 20 including a rail that is extending in a longitudinal direction of the rail perpendicular to the roll paper 20 feeding direction. Onishi also teaches a stationary knife 5 that is fixed at and supported by a carriage 4. Onishi also teaches that the carriage 4 moves along the rail in the longitudinal direction of the rail and the stationary blade 5 is fixed at a non-zero angle with respect to the longitudinal direction of the rail. The stationary blade 5 is secured to a supporting member housing 4b of the carriage 4 in an angle with respect to the rotary knife 10 and the rail as best shown in Fig. 9. As shown in Fig. 9, the blade 5 is secured to the fixed blade support 6 by the screw 7 in a non-zero angle with respect to the longitudinal axis of the rail which is parallel to the rotary 10. Onishi also teaches a rotary knife 10 that is pivotally supported by the carriage 4 and is rotated by coming into the contact with the stationary knife 5 when the carriage 4 is moved. Onishi also teaches that the carriage 4 is moved in the longitudinal direction of the rail and a cutting edge intersection P is formed by the rotary knife 10 and the stationary knife 5. Onishi also teaches that the cutting edge

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intersection P crosses and cuts the roll paper 20 in the width direction. See Figs. 1a, 2, 3, 8, and 9 and col. 4, lines 20-67 and col. 8, lines 10-64 in Onishi.

Regarding claim 2, Onishi teaches everything noted above including that the position of the cutting edges intersection P which is formed by the rotary knife 10 and the stationary knife 5 fluctuates. The rotary knife 8 is biased by the spring 14, which inherently causes fluctuations in the position of cutting edges between the rotary knife 10 and the stationary knife 5 as taught by Reichert. See Figs. 1a 3, and 9 and col. 5, lines 19-66 in Onishi.

Regarding claim 7, Onishi teaches everything noted above including that the stationary knife 5 has a guide section for guiding an edge of the roll paper 20 to the cutting edge intersection P. The guide section of the stationary knife 5 is defined by the top surface the stationary knife 10 that guide the roll paper 20 towards the cutting edge intersection. See Figs. 8 and 9 in Onishi.

Regarding claim 8, Onishi teaches everything noted above including that the guide section between the roll paper and the stationary blade 5 is arranged on the same side in the thickness direction of the rail. See Figs. 8 and 9 in Onishi.

Regarding claim 9, Onishi teaches everything noted above including that cutting edge intersection P to cut the roll paper 20 is arranged closer to the roll of paper 20 than the rail. The cutting edge intersection P appears to be closer the roll of paper 20 than the rail. See Figs. 2, 8, and 9 in Onishi.

Regarding claim 10, Onishi teaches everything noted above including that the rotary knife 10 is attached to a shaft 11. See Figs. 1a, 8, and 9 in Onishi.

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Regarding claim 11, Onishi teaches everything noted above including that a screw shaft 2 moves the carriage 4. See Figs. 1a, 8, and 9 in Onishi.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi in view of Reichert, Sr., et al. (1,876,075), hereinafter Reichert. Regarding claim 3-5, Onishi teaches everything noted above except that the center of the cutting edge intersection is made to fluctuate by a rotary cutter, which does not have a profile formed into a real circle. However, use of the non-circular rotary knives is well known in the art as taught by Reichert. Reichert teaches a rotary cutter that has a profile formed into an ellipse or an oval. See Fig. 1 in Reichert. It would have been obvious to a person of ordinary skill in the art to replace the rotating knife of Onishi's paper roll cutter with the oval-shaped rotary knife as taught by Reichert in order to performed a scissor-like cutting created by self actuating mechanism of the oval-shaped of the rotary knife.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi in view of Kaltenbach et al. (1,796,463), hereinafter Kaltenbach. Regarding claim 6, Onishi teaches everything noted above except that the rotary knife has a profile, which is formed into a polygon. Kaltenbach teaches a rotary knife, which has a profile formed into a polygon. See Fig. 1 in Kaltenbach. It would have been obvious to a person of ordinary skill in the art to

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replace the rotating knife of Onishi's paper roll cutter with the polygon-shaped rotary knife as taught by Kaltenbach in order to performed a scissor-like cutting created by self actuating mechanism of the oval-shaped of the rotary knife.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Onishi et al. (5,307,716), Barnes et al. (4,414,874), Arnold et al. (4,665,787), Kogyoshi (JP 10076496), Teragaki (JP 03 196996), NEC ENG LTD (JP 08174472), NEC CORP (JP 08 150593), and TEC CORP (JP 09 029687) teach a roll paper cutter including a fixed stationary blade and a rotary knife.

The new ground of rejection is necessitated by relevant prior art provided by the IDS filed on 12/24/03.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

February 19, 2004

  
**Allan N. Shoap**  
**Supervisory Patent Examiner**  
**Group 3700**